



California Regional Water Quality Control Board

San Diego Region



Winston H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor

October 3, 2003

Mr. Michael M. Tope
District Superintendent
Orange Coast District
California Department of Parks and Recreation
3030 Avenida Del Presidente
San Clemente, CA 92672

CERTIFIED - REGISTERED MAIL
7003 1680 0001 5034 2084

In Reply Refer To:
POTW: 01-01045.02:VASQV

Dear Mr. Tope:

SUBJECT: WASTE DISCHARGE REQUIREMENTS (TENTATIVE ORDER NO. R9-2003-0228) AND CEASE AND DESIST ORDER (TENTATIVE ORDER NO. R9-2003-0285) FOR CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, CRYSTAL COVE STATE PARK, EL MORRO TRAILER PARK, ORANGE COUNTY

Enclosed are copies of Tentative Order Nos. R9-2003-0228 and R9-2003-285 which staff intends to present to the Regional Board for adoption at their regularly scheduled meeting on November 12, 2003.

If adopted, tentative Order No. R9-2003-0228 would establish waste discharge requirements and a monitoring and reporting program for the treatment of up to 67,700 gallons per day of domestic wastewater via septic tanks followed by subsurface disposal to lands in the San Joaquin Hills Hydrologic Subarea (HSA) 901.11. If adopted, Cease and Desist Order No. R9-2003-0285 would establish a time schedule to achieve compliance with the requirements of Tentative Order No. R9-2003-0228.

The November 12, 2003 meeting will begin promptly at 9:00 am and will be held at the following location:

California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

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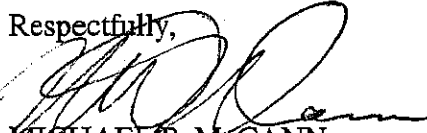
October 3, 2003

Please review and comment on the tentative Orders at your earliest convenience. It is recommended that written comments be submitted by October 29, 2003 to enable staff to amend the tentative Orders, if necessary, and allow changes to the tentative Orders to be fully reviewed by the Regional Board and interested parties. The final deadline for submittal of written comments, however, is 5:00 p.m. on November 5, 2003. Per Regional Board direction, written material submitted to the Regional Board office after the submittal deadline date will not be provided to the Regional Board. Also, it is not likely that written material will be accepted by the Regional Board on the day of the meeting.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to:" In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any question regarding the above, please contact Mr. Victor Vasquez at (858) 636-3155, or via e-mail at vasqv@rb9.swrcb.ca.gov.

Respectfully,



MICHAEL P. McCANN
Supervising Engineer

MPM:bdk:vrw

Enclosures: 1. Tentative Waste Discharge Requirements Order No. R9-2003-0228
2. Tentative Cease and Desist Order No. R9-2003-0385

Cc: Richard Rozzelle
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San Clemente, CA 92672

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Mission Viejo, CA 92691

Stanley Allison
Los Angeles Times
Orange County Edition
City Desk
1375 Sunflower Ave.
Costa Mesa, CA 92626

EMTP WDR Tentative transmittal Oct03.doc

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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

TENTATIVE CEASE AND DESIST ORDER NO. R9-2003-0285

**AGAINST
CALIFORNIA DEPARTMENT OF PARKS AND RECREATION
CRYSTAL COVE STATE PARK
EL MORRO TRAILER PARK
ORANGE COUNTY**

**TO ESTABLISH A TIME SCHEDULE
TO COMPLY WITH
WASTE DISCHARGE REQUIREMENTS
ORDER NO. R9-2003-0228**

The California Regional Water Quality Control Board, San Diego Region, (hereinafter Regional Board) finds that:

1. The California Department of Parks and Recreation (DPR), Crystal Cove State Park, El Morro Trailer Park (EMTP) discharges up to 67,700 gallons of domestic wastewater from 300 mobile home units and one cottage to three subsurface disposal systems on both sides of Pacific Coast Highway (PCH). The trailer park is located along the Orange County coastline north of the City of Laguna Beach and adjacent to the PCH. The discharge is regulated by waste discharge requirements contained in Order No. R9-2003-0228, *Waste Discharge Requirements for the California Department of Parks and Recreation, Crystal Cove State Park, El Morro Trailer Park*, adopted on November 12, 2003
2. The State of California, through DPR, leases EMTP sites jointly to individual tenants and to a representative agency of EMTP (El Morro Village, Inc.) for private residential use; the current EMTP leases with DPR expire in December 2004. DPR has reported that it does not intend to extend or renegotiate new leases, and the EMTP site will be converted to a public campground. Upon expiration of the current lease in December 2004, it is expected that the discharge of wastewater from EMTP will be permanently terminated.
3. Wastewater from EMTP discharged to the subsurface disposal system is expected to contain an average range of total nitrogen concentrations of 40-50 mg/L as N based on effluent quality data and typical septic tank effluent characteristics. At this concentration, the total nitrogen level in the EMTP septic tank effluent would exceed the total nitrogen limitations contained in Waste Discharge Requirements (WDR) Order No. R9-2003-0228 and present a significant potential to cause exceedance of

water quality objectives and drinking water standards for nitrates in the receiving groundwater.

4. Provision C.1 of WDR Order No. R9-2003-0228 requires the proper operation and maintenance of all facilities and systems of treatment and control at all times. According to the US EPA Onsite Wastewater Treatment and Disposal Systems Design Manual, protection of groundwater quality requires maintaining sufficient separation (4 ft minimum) between the bottom of the subsurface disposal system (seepage pits) and the water table. The seepage pits in the eastern portion of EMTP have less than 2 ft or no separation and therefore are operationally inadequate for the proper disposal of wastewater.
5. Provision C.3 of WDR Order No. R9-2003-0228 requires that all waste treatment, storage and disposal facilities be protected against 100-year peak stream flows as defined by the Orange County flood control agency. The disposal areas in the eastern portion of EMTP along Moro Canyon Creek are located in the 100-year flood plain and do not have the required flood protection.
6. The California Department of Parks and Recreation, Crystal Cove State Park, El Morro Trailer Park, has not presented a schedule to implement a plan that would achieve compliance with WDR Order No. R9-2003-0228. Based on typical schedules to implement wastewater treatment and disposal systems for a community similar to EMTP, 22 months is a reasonable time period to evaluate, select, and implement a wastewater treatment and/or disposal alternative that is consistent with WDR Order No. R9-2003-0228 and applicable water quality objectives contained in the Basin Plan.
7. The Regional Board has notified all known interested parties of its intent to issue Cease and Desist Order (CDO) No. R9-2003-0285. The Regional Board, in a public hearing on November 12, 2003 heard comments pertaining to the issuance of CDO No. R9-2003-0285 and considered all comments received during the public comment period prior to the adoption of this Cease and Desist Order.
8. This enforcement action is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15321 (Enforcement Actions by Regulatory Agencies), Chapter 3, Title 14 of the California Code of Regulations.

IT IS HEREBY ORDERED, that pursuant to California Water Code Section (CWC) 13301, the California Department of Parks and Recreation (DPR) shall comply with the following directives for the discharge from the subsurface disposal system at EMTP:

1. DPR shall cease violations of the total nitrogen effluent limitations contained in Provision B.2 of WDR Order No. R9-2003-0228 no later than September 30, 2005.

2. DPR shall cease violations of Provision C.1 of WDR Order No. R9-2003-0228 no later than September 30, 2005 by constructing a properly designed and properly operating wastewater treatment and disposal system.
3. DPR shall cease violations of Provision C.3 of WDR Order No. R9-2003-0228 no later than September 30, 2005 by providing adequate flood protection for all waste treatment, storage and disposal facilities against 100-year peak stream flows as defined by the Orange County flood control agency.
4. DPR shall achieve compliance with Directive Nos. 1, 2 and 3 above in accordance with the following time schedule. DPR shall submit a written report to the Regional Board on or before each report due date pursuant to CWC Section 13267. The report shall contain information to indicate if the required task has been completed. All written reports or information submitted shall be signed and certified as required under Provision E.17 of WDR Order No. R9-2003-0228.

TASKS	COMPLETION DATES	REPORT DUE DATES
A. Select alternative means to achieve full compliance with the provisions of WDR Order No. R9-2003-0228 identified in Directive Nos. 1, 2 and 3. Provide documentation of the process used to select the alternative(s), including a detailed description of the selected alternative(s) and a time schedule, with compliance milestones for full implementation of the alternative(s), and details of any applicable proceedings, funding, design, permitting, and construction time lines. Include a report, with any appropriate documentation, on the status of the expiration of leases to EMTP.	December 31, 2004	December 31, 2004
B. Award contract(s) to implement selected alternative(s).	March 31, 2005	March 31, 2005
C. Submit periodic reports to this Regional Board summarizing progress made towards implementation of the time schedule submitted. Each report shall list compliance milestones accomplished, and shall include any/all deviations from the proposed schedule, as well as reasons for such deviations.		May 31, 2005 July 31, 2005
D. Cease discharge or achieve full compliance with Directive Nos.1, 2, and 3.	September 30, 2005	October 30, 2005

PROVISIONS

1. Except for the provisions of WDR Order No. R9-2003-0228 identified in Directive Nos. 1, 2 and 3 of this CDO until September 30, 2005, all waste discharge requirements, specifications, effluent limitations, and monitoring and reporting requirements contained in WDR Order No. R9-2003-0228 shall remain in effect.
2. Pursuant to the California Water Code, violations of WDR Order No. R9-2003-0228 or this CDO can be subject to additional enforcement action(s) by the Regional Board including time schedule orders, cease and desist orders, cleanup and abatement orders, administrative civil liability, referral to the district attorney or referral to the attorney general. Administrative civil liability amounts imposed by the Regional Board under CWC Section 13350 could be from \$100 to \$5,000 per day per violation, or up to \$10 per gallon for each gallon of waste discharged.
3. Nothing in this Order shall be construed to relieve the California Department of Parks and Recreation from civil liability or criminal penalties resulting from violations of WDR Order No. R9-2003-0228 as renewed or revised, or this CDO.
4. This Cease and Desist Order becomes effective on the date of adoption by the Regional Board.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board on November 12, 2003.

TENTATIVE

JOHN H. ROBERTUS
Executive Officer